

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1894

Citations Affected: IC 36-4.

Synopsis: Annexation. Specifies that with respect to an annexation initiated by all property owners of the area to be annexed: (1) the municipality must give notice of the hearing at least 20 days before the hearing; (2) a remonstrance may not be filed; (3) the public hearing may be held within 30 days after introduction of the ordinance; (4) the ordinance may be adopted not earlier than 14 days after the hearing; and (5) the annexation takes effect at least 30 days after the annexation ordinance is published. Specifies that a landowner may withdraw the landowner's signature from a petition to annex containing signatures of all the landowners in the territory to be annexed by providing written notice to the office of the clerk of the municipality. Authorizes the towns of Avon in Hendricks County and Westfield in Hamilton County to annex contiguous territory located in the township with the landowner's consent and exempts the land from property tax as long as the zoning classification remains agriculture. Exempts the town of Fishers in Hamilton County from the requirement that the town obtain the consent of the legislative body of a second or third class city before annexing within three miles of the corporate boundaries of the city. Provides that the date on which an annexation ordinance takes effect must be at least 90 days after the ordinance is published and filed. Requires that each page of a petition or remonstrance concerning an annexation must have a heading stating that it is a petition for annexation. (This conference committee report does the following: (1) Provides that the municipality may not make further attempts to annex territory for 12 months, 24 months, or 42 months, depending upon the point in the proceedings at which the annexation ordinance is repealed. (EHB 1894 provided for a two, three, or four year prohibition, depending upon the point in the proceedings at which the annexation ordinance is repealed). (2) Specifies the Hendricks County population parameters for the provision concerning Avon. (3) Specifies that a person must provide written notice to the office of the municipal clerk in order to withdraw the person's signature from a petition to annex signed by all landowners. (4) Makes technical amendments.)

Effective: July 1, 2001.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1894 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 3, line 25, after "of" insert "**(A)**".
- 2
- 3 Page 3, line 26, after "(15,000)" insert "; **or**
- 4 **(B) more than four thousand (4,000) but less than four**
- 5 **thousand two hundred fifty (4,250);"**.
- 6 Page 3, line 26, begin a new line block indented beginning with
- 7 "located".
- 8 Page 3, delete lines 37 through 38.
- 9 Page 3, line 39, delete "(5)" and insert "**(4)**".
- 10 Page 4, line 7, delete "or (a)(4)," and insert ", "
- 11 Page 4, line 42, after "town)."" insert ". "
- 12 Page 6, line 32, after "plan" insert "**by providing written notice to**
- 13 **the office of the clerk of the municipality**".
- 14 Page 9, line 10, after "FOLLOWS" insert "[EFFECTIVE JULY 1,
- 15 2001]".
- 16 Page 9, line 19, delete "~~(2)~~ (B) that", begin a new line double block
- 17 indented and insert:
- 18 "~~(2)~~ **(B) that**".

Page 9, run in lines 19 through 20.

Page 11, delete lines 9 through 40, begin a new paragraph and insert:

"(c) This subsection applies if a municipality repeals the annexation ordinance:

(1) less than sixty-one (61) days after the publication of the ordinance under section 7(a) of this chapter; and

(2) before the hearing commences on the remonstrance under section 12(c) of this chapter.

A municipality may not make further attempts to annex the territory or any part of the territory during the twelve (12) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(d) This subsection applies if a municipality repeals the annexation ordinance:

(1) at least sixty-one (61) days but not more than one hundred twenty (120) days after the publication of the ordinance under section 7(a) of this chapter; and

(2) before the hearing commences on the remonstrance under section 12(c) of this chapter.

A municipality may not make further attempts to annex the territory or any part of the territory during the twenty-four (24) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter.

(e) This subsection applies if a municipality repeals the annexation ordinance:

(1) either:

(A) at least one hundred twenty-one (121) days after publication of the ordinance under section 7(a) of this chapter but before the hearing commences on the remonstrance under section 12(c) of this chapter; or

(B) after the hearing commences on the remonstrance as set forth in section 12(c) of this chapter; and

(2) before the date of the judgment of the circuit or superior court as set forth in subsection (b).

A municipality may not make further attempts to annex the territory or any part of the territory during the forty-two (42) months after the date the municipality repeals the annexation ordinance. This subsection does not prohibit an annexation of the territory or part of the territory that is petitioned for under section 5 or 5.1 of this chapter."

(Reference is to EHB 1894 as reprinted April 12, 2001.)

Conference Committee Report
on
Engrossed House Bill 1894

Signed by:

Representative Dvorak
Chairperson

Senator Zakas

Representative Alderman

Senator Antich

House Conferees

Senate Conferees